

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
Nashville Division**

Phillip Lawson, <i>et al.</i> ,)	
)	
<i>Plaintiffs</i> ,)	
)	Case No. 3:24-cv-00538
v.)	
)	Chief Judge William J. Campbell, Jr.
Tre Hargett, in his official capacity as)	Magistrate Judge Alistair Newbern
Tennessee Secretary of State, <i>et al.</i>)	
)	
<i>Defendants.</i>)	

**SUPPLEMENTAL DECLARATION OF DEBBY GOULD ON BEHALF OF THE
LEAGUE OF WOMEN VOTERS OF TENNESSEE**

Pursuant to 28 U.S.C. § 1746, I, Debby Gould, declare as follows:

1. I am over the age of 18, and I am competent to make this declaration. I provide this declaration based upon my personal knowledge. I would testify to the facts in this declaration under oath if called upon to do so.
2. I declare under penalty of perjury that the foregoing is true and correct.
3. A number of LWV members in Williamson County received a mailer from the Williamson County Republican Party on July 12, 2024, i.e., the first day of early voting. A true and correct copy of the mailer (front and back) is attached as **Exhibit A**.
4. This mailer is a clear example of how the laws at issue in this case can and are being used for voter intimidation.
5. Several League members have reached out to me about this mailer, including one member who considers themselves to be an independent voter and who has voted in both Republican and Democratic primaries in the past. This member considers the mailer to be a “flagrant

scare tactic” and reached out specifically about the laws at issue in this case and the Williamson County Republican Party mailer in particular.

6. Other League members told me they were intimidated and/or that they feared being prosecuted if they voted the wrong way.
7. Several local news outlets, including WTVF (News Channel 5) and the Nashville Banner have covered the mailer, with the former outlet interviewing a Tennessean named Kent Fourman who voted in the Republican primary in March of 2024 but the Democratic primary in the current election. Mr. Fourman interpreted the mailer as intentional voter intimidation.
8. The WTVF story is available at: <https://www.newschannel5.com/news/come-after-me-voters-react-to-williamson-county-gop-postcard-calling-it-intimidation>. A true and correct copy of this story is attached as **Exhibit B**.
9. The Nashville Banner story is available at:
<https://nashvillebanner.com/2024/07/16/williamson-county-republican-party-mailer/>.
A true and correct copy of this story is attached as **Exhibit C**.

Executed on July 18, 2024

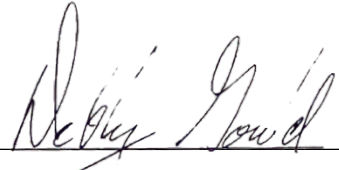

Debby Gould

EXHIBIT A

Tennessee public voting records show that you **voted in Williamson County as a Republican in the March 2024 Primary Election.**

In doing so, you declared your allegiance to the Republican Party after having voted in one or more of the last six state and county primaries for another party.

Let's keep Williamson County red! Join your Williamson County Republican Party today in financially supporting our Republican candidates who are running for local, state and federal offices.



Use QR Code To Join



Find more details at williamsongop.org

It's the Law! Please Read...

"It is a violation of Tennessee Code Annotated, Section 2-7-115(b), and punishable as a crime under Tennessee Code Annotated, Section 2-19-102 or Section 2-19-107, if a person votes in a political party's primary without being a bona fide member of or affiliated with that political party, or to declare allegiance to that party without the intent to affiliate with that party."

130 Seaboard Lane, Unit 8,
Franklin, TN 37067



*Paid for by the Williamson County Republican Party, Courtney Lagness, Treasurer

EXHIBIT B

ALERT

Live: Day 3 of the Gallatin COVID-19 wrongful death trial begins Thursday

NEWS



'Come after me': Voters react to Williamson County GOP postcard, calling it 'intimidation'

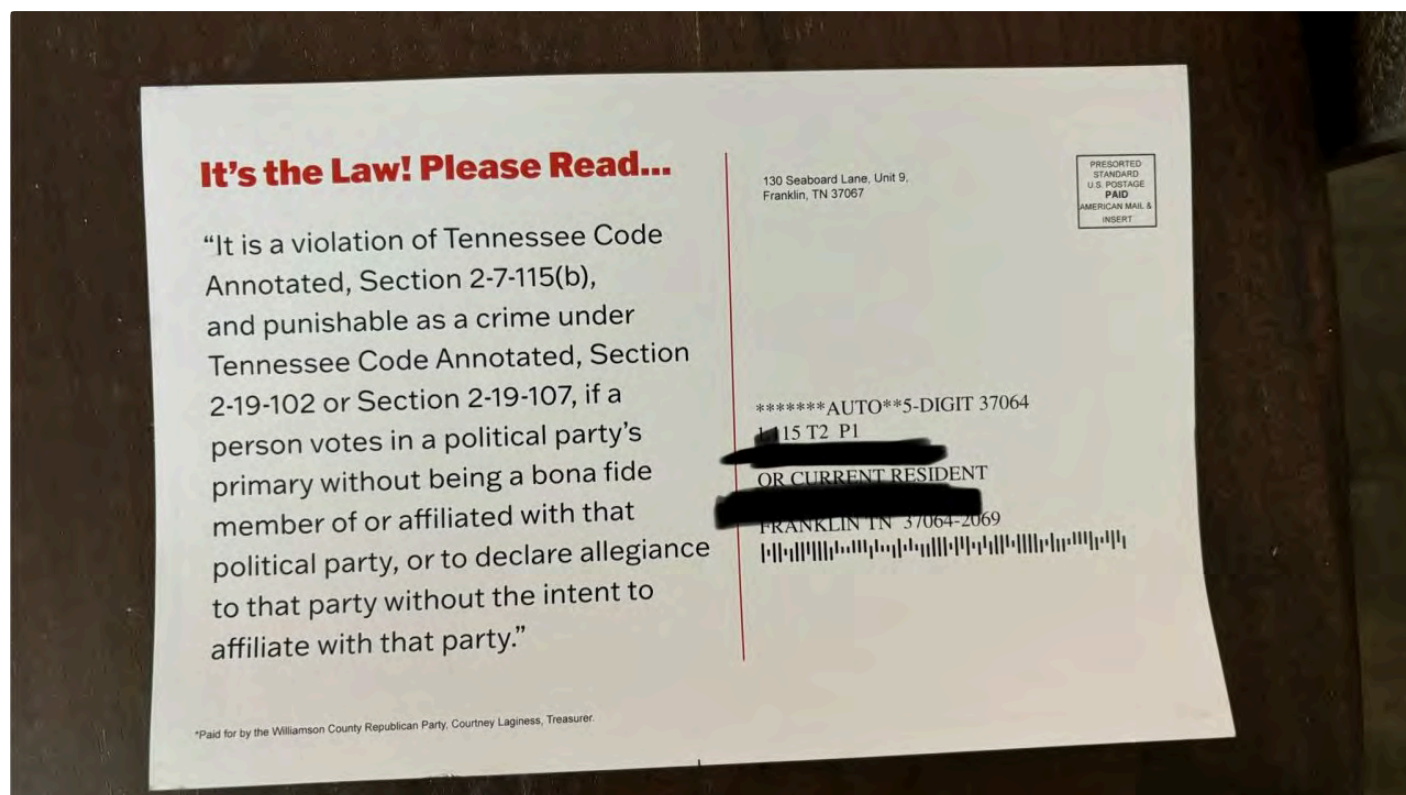


Photo by: WTVF

A postcard that was sent to a Williamson County voter from the Williamson County GOP in July 2024.

By: Emily R. West

Posted at 2:04 PM, Jul 15, 2024

BRENTWOOD, Tenn. (WTVF) — Postcards from the Williamson County Republican Party are hitting mailboxes, pinpointing voters who have voted in at least one Republican primary but who may not be "bona fide" members of the GOP.

The postcard said that voting in the Republican March primary means that a voter declared their "allegiance" to the Republican Party. However, state law doesn't require anyone to register by party affiliation in Tennessee. GOP members referenced three different Tennessee laws.

This comes from a newer state law that stated voters must be "bona fide" members to vote in a party's primary. Those who are "bona fide" need to participate in three of the last four primaries as a Republican.

"The mailer was a good faith effort to raise awareness of this issue and help educate the community about the law as it pertains to crossover voting as a tactic to help or hurt a candidate that one does not actually support," said Tracy Miller, WCRP chairperson.

Previous reporting on this topic: [Controversy over new Tennessee law could lead to criminal charges for primary voters](#)

Brentwood voter Kent Fourman received the postcard in his mailbox this weekend. When he lived in other states, he had registered as a Republican. But while living in Tennessee, Fourman said he's become more of an independent voter. For the August primary, he pulled a Democratic ballot. In the March primary, he pulled a Republican ballot to participate in the Williamson County sheriff's race.

"I pretty much said, 'Come after me. Please. I'd love for you to come after me. I just broke the law,'" he said.

He said he worried others receiving this postcard could feel fear, and it could affect whether that person feels comfortable voting in the primary.

"I think this is voter intimidation," he said.

What are the laws?

Here is what state law indicated through TCA 2-7-115:

A registered voter is entitled to vote in a primary election for offices for which the voter is qualified to vote at the polling place where the voter is registered if:

1. The voter is a bona fide member of and affiliated with the political party in whose primary the voter seeks to vote; or
2. At the time the voter seeks to vote, the voter declares allegiance to the political party in whose primary the voter seeks to vote and states that the voter intends to affiliate with that party.

It could be a misdemeanor or a felony depending on the situation, and signs to that effect are now hanging in Tennessee voter precincts. "Under the legal description of voters — which are entitled to vote in a primary election — independent voters would not participate in either the Republican or Democratic primary," said Doug Kufner, spokesperson for the Tennessee Secretary of State's Office. "As independent voters, they would wait until after the members of each political party select their nominees and then the independent voter would vote in the general election. In the general election, all voters, including independent voters, choose a candidate from among the political party nominees and any independent candidate, if any, running for the office."

Even with this law, you do not have to register for a particular party. In primaries, you simply select whether to vote Democrat or Republican.

Sometimes one party voter will cross over and vote for a candidate in the other party. But this sign posted in precincts says it's a violation to do that without being a bona fide member of that political party.

Lawmakers told NewsChannel 5 previously that the law reminds people to vote in the proper political party that they identify. It's not clear how that applies to independent voters, like Fourman.

Statement from the Williamson County Republican Party

The WCRP understands that there has been significant interest in our latest mail piece. This mailing was intended to reach new arrivals to Williamson County and individuals seeking to change their party affiliation.

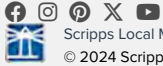
Often people think that party requirements are fairly basic — if their most recent vote was for a Republican, then they are Republican. And by extension, if someone has voted, on occasion, as a Republican, they often assume that they are likewise eligible to run for Republican office or to participate in either the party's primaries or conventions.

Many are quite surprised and upset when they discover there are a number of additional criteria. There are, of course, dues-paying members, but this isn't about fundraising. It is about participation. They can join the party. They can join an auxiliary group — YR's, RWWC, Career Women. They can attend our events, our picnics, our Mix-and-Mingles. They can volunteer, maybe knock on doors for the very campaigns that inspired them to first cross over.

However, someone who continuously vacillates back and forth ruins their own eligibility. Someone who does it deliberately, as a tactic, is breaking Tennessee State law. This is why all Vote Centers display a placard that explains this fact. Unfortunately, many people still miss that posting and are unaware of the statute. Indeed, that public signage was our inspiration for the legal warning on the flip side of our mailer. The mailer was a good faith effort to raise awareness of this issue and help educate the community about the law as it pertains to crossover voting as a tactic to help or hurt a candidate that one does not actually support.

— Tracy Miller, Williamson County Republican Party Chairperson

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EXHIBIT C

NASHVILLE BANNER

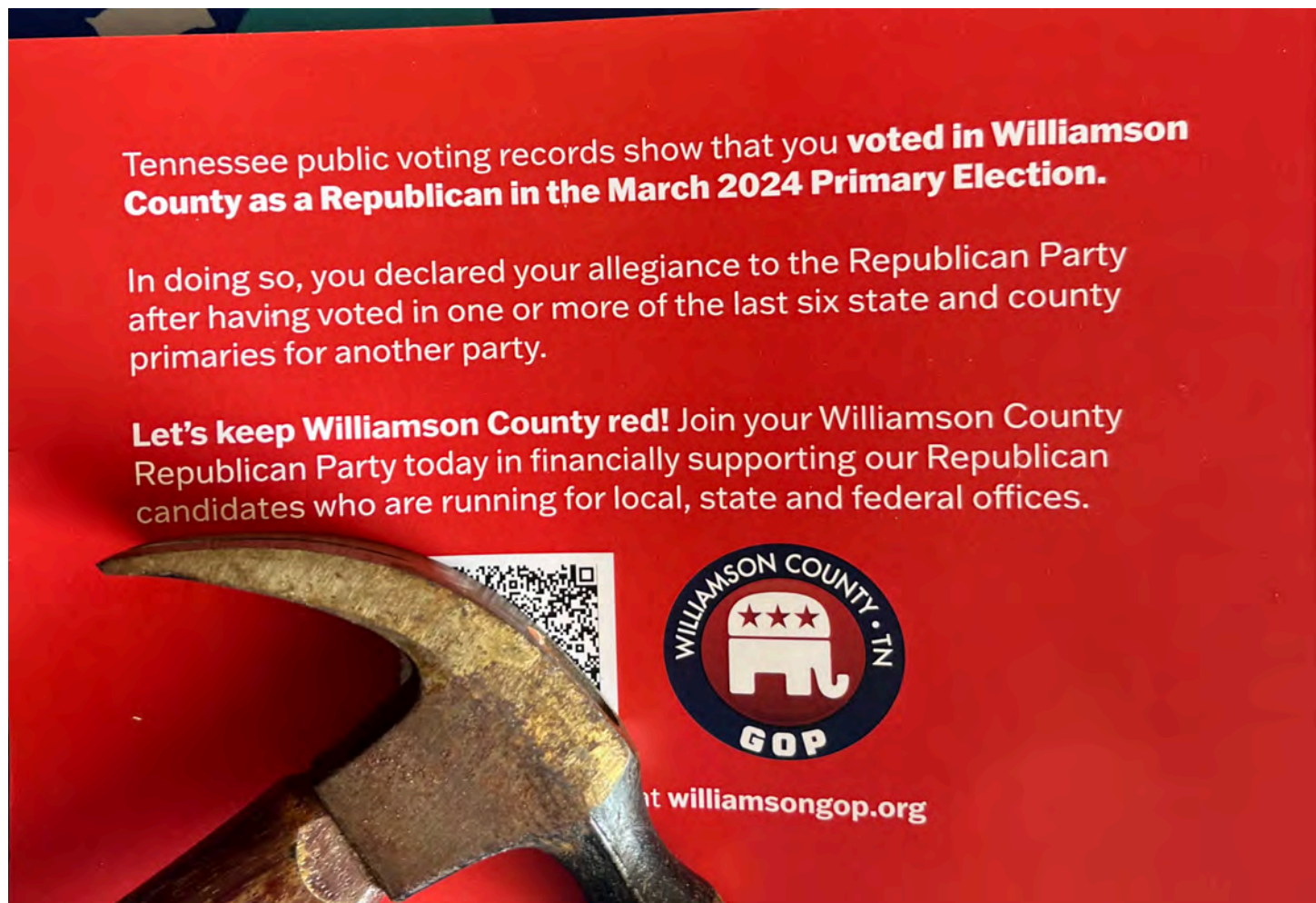
Elections

Williamson County GOP Warns Against 'Crossover' Voting in Mailer

A new mailer uses a controversial law to warn primary voters against voting in a party if they're not a "bona fide" member

By Sarah Grace Taylor

July 16, 2024



The front of the flyer that was mailed to Republican voters in Williamson County. Credit: Sent to the Nashville Banner

Have you voted in a different primary? Are you an independent? Maybe you're candidate-curious about a race you saw? Don't even think about voting Republican.

That's the message the Williamson County Republican Party sent to voters who participated in the March Republican primary.

In a mailer addressed to county voters who participated in the Republican presidential primary in March, the party says that by voting in that election, voters "declared [their] allegiance to the Republican Party" even if they voted in another recent election while registered as a member of another party.

That does not mean they are welcome to help choose the party's candidates in the coming Aug. 1 primary (early voting has started).

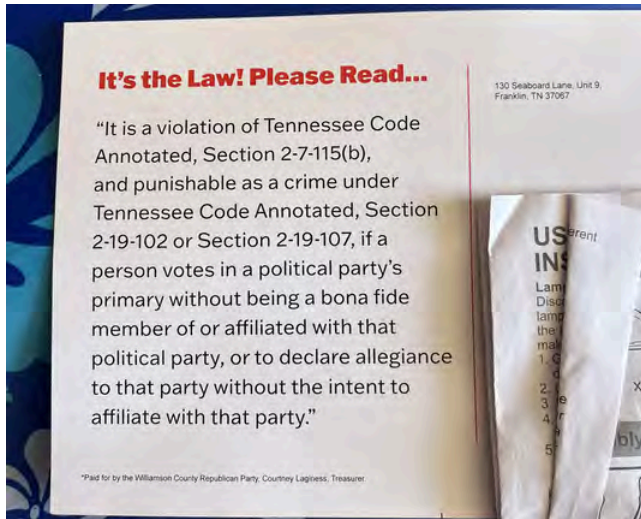
On the other side of the mailer, it notes a controversial Tennessee law that makes it a criminal offense to vote in a party's primary without being a "bona fide" party member. A new law requiring that the penalty be posted in voting centers has been challenged, most recently [in a May lawsuit](#) by the League of Women Voters and other turnout organizations who argue that it "creates confusion and intimidation" among voters in what is supposedly an open primary.

Tennessee has open partisan primary elections, meaning voters do not have to declare their party affiliation to vote but must pick one party's ballot.

Gabe Hart, a plaintiff in the lawsuit and an advocate for open primaries, said Monday that both the law and the mailer are an effort to dissuade moderate voters from showing up to the polls.

“It is purposefully threatening and intimidating,” Hart, who faced the threat of being prosecuted for crossover voting in a Madison County election several years ago, said.

“I think there are a lot of people, not just independents, who consider themselves left or right that don’t identify with either party right now ... and these people want to stop them from voting,” Hart added.



The back of the flyer that was mailed to Republican voters in Williamson County. Credit: Sent to the Nashville Banner

When asked about the mailers, Williamson County Republican Party Chair Tracy Miller said they were intended to inform people about the requirements to vote in a party primary and warn voters against misrepresenting their party.

“Someone who continuously vacillates back and forth ruins their own eligibility. Someone who does it deliberately, as a tactic, is breaking Tennessee State law,” Miller said in a written statement.

The mailers come when Tennessee ranks dead-last in voter turnout and on the heels of the state sending 14,000 similarly foreboding letters to “potential non-U.S. citizens,” warning them of a potential felony charge if they vote illegally.

According to Miller, the party was inspired to send the mailer by the new signs in polling places that display the law.

“The mailer was a good-faith effort to raise awareness of this issue and help educate the community about the law as it pertains to crossover voting as a tactic to help or hurt a candidate that one does not support,” Miller added.

Some have speculated that Republican Courtney Johnston, a candidate for the congressional 5th District, could receive some crossover support from Democrats wanting to get rid of Freedom Caucus member Andy Ogles, the incumbent.

When asked by the *Banner* on Monday, Miller said the party had not filed its second-quarter financial disclosures with the state, which were due last week. According to Miller, they planned to file on Monday evening. On Tuesday, the party treasurer forwarded an email showing the state had actually received the disclosure by the deadline. Courtney Laginess, the treasurer, said the mailings will appear on a pre-primary disclosure next week.

The party did not respond to questions about how many voters were targeted, how much money was spent or how they determined which voters would receive a mailer.